

Appl. No. 10/686,085  
Amendment dated August 18, 2006  
Reply to Office Action of May 18, 2006

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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently amended) A communication apparatus comprising:  
  
a controller;  
  
a receiver coupled to the controller;  
  
an alert device that is coupled to the controller, wherein the alert device alerts a user that the receiver has received a communication, and the alert device has a plurality of operating modes; and  
  
a biometric monitoring device, which is coupled to the controller, the biometric monitoring device configured to sense a biometric characteristic of the user, wherein the controller selects one of the operating modes of the alert device based on a biometric characteristic of the user, wherein one of the operating modes of the alert device is a non-disturbing mode in which the alert device is disabled, and the controller determines whether the user is in a predetermined state based on the biometric characteristic, and the controller selects the non-disturbing mode of the alert device when the user is in the predetermined state.

2. (Canceled)

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3. (Currently amended) A communication apparatus according to claim 1 ~~claim 2~~, wherein one of the operating modes of the alert device is an audible mode in which the alert device audibly alerts the user that the receiver has received a communication, and the predetermined state is a first predetermined state, and the controller determines whether the user is in a second predetermined state based on the biometric characteristic, and the controller selects the audible mode when the user is in the second predetermined state.

4. (Currently amended) A communication apparatus according to claim 1, wherein the biometric monitoring device comprises ~~sensor is~~ a motion detector that detects motion of the user.

5. (Original) A communication apparatus according to claim 4, wherein the controller determines an activity level of the user according to the degree of motion detected by the motion detector.

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6. (Currently amended) A communication device comprising:

a controller;

an alert device that is coupled to the controller, wherein the alert device alerts a user to an incoming message, and the alert device has a plurality of operating modes; and

a short-range receiver coupled to the controller, wherein the short-range receiver receives signals that represent a biometric characteristic of a user and represent motion of the user, and the controller selects one of the operating modes of the alert device based on the biometric characteristic of the user.

7. (Original) A communication device according to claim 6, wherein one of the operating modes of the alert device is a silent mode in which the alert device is disabled, and the controller determines whether the user is in a predetermined state based on the biometric characteristic, and the controller selects the silent mode of the alert device when the user is in the predetermined state.

8. (Original) A communication device according to claim 7, wherein one of the operating modes of the alert device is an audible mode in which the alert device audibly alerts the user that the communication device has received a communication, and the predetermined state is a first predetermined state, and the controller determines whether the user is in a second predetermined state based on the biometric characteristic, and the controller selects the audible mode when the user is in the second predetermined state.

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9. (Canceled)

10. (Currently amended) A communication device according to claim 6 ~~claim 9~~, wherein the controller determines the activity level of the user according to a degree of motion represented by the signals.

11. (Original) A communication device according to claim 6, wherein the device is coupled to a short-range transmitter via the short range receiver, which is coupled to a sensor, wherein the sensor produces the signals, and the short-range transmitter transmits the signals to the short-range receiver.

12. (Currently amended) A method for selecting an alert device mode of a communication device based on a biometric characteristic of a user, the method comprising:  
sensing the biometric characteristic and motion of the user;  
determining a state of the user based on the biometric characteristic; and  
selecting an alert mode of the communication device based on the state of the user.

13. (Original) A method according to claim 12, wherein the method further comprises:  
determining whether the user is in a predetermined state based on the biometric characteristic; and  
selecting a non-disturbing alert mode of the communication device when the user is in the predetermined state.

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14. (Original) A method according to claim 13, wherein the method further comprises selecting an audible alert mode of the alert device when the user is not determined to be in the predetermined state.

15. (Canceled)

16. (Currently amended) A method according to claim 12 ~~claim 15~~, wherein the method includes determining an activity level of the user according to a degree of motion of the user.

17. (Original) A method according to claim 12, wherein the method further comprises wirelessly transmitting signals that represent the biometric characteristic of the user from a remote biometric monitoring device to the communication device.

18. (Original) A method according to claim 12, wherein the method further comprises judging whether the user is asleep based on the biometric characteristic and selecting a non-disturbing alert mode of the communication device if the user is judged to be asleep.

19. (Original) A method according to claim 12, wherein the method further comprises judging whether the user is at least one of awake and in a light state of sleep and selecting an audible alert mode if the user is at least one of awake and in a light state of sleep.

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20. (Original) A method according to claim 12, wherein the communication device is a wireless communication device and the method includes receiving a wireless communication.

21. (New) A communication device comprising:

a controller;

an alert device that is coupled to the controller, wherein the alert device alerts a user to an incoming message, and the alert device has a plurality of operating modes; and

a short-range receiver coupled to the controller, wherein the short-range receiver receives signals that represent motion of the user, and the controller selects one of the operating modes of the alert device based on the motion of the user.

22. (New) A communication device according to claim 21 wherein the controller determines whether the user is in a predetermined state based on the signals including a biometric characteristic; and selects a non-disturbing alert mode of the communication device when the user is in the predetermined state.